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MEMO ENDORSED

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By Hand and ECF

April 30, 2014

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Honorable Robert P. Patterson
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Levin v. Bank of New York, et al., Case No. 09 Civ. 5900 (RPP) (MHD)

Dear Judge Patterson:

I write on behalf of the parties previously identified in these proceedings as the Greenbaum, Acosta, Heiser and Levin Judgment Creditors (the "Judgment Creditors").

By letter to the Court dated April 16, 2014 (Dkt. No. 957), we informed the Court of: (1) our understanding that third-party defendant [REDACTED] intended to seek an order of the Court releasing certain funds at issue in these proceedings; and (2) our opposition to any such relief on the basis that such funds remain subject to execution and turnover in these proceedings pursuant to § 1610(g) of the Foreign Sovereign Immunities Act. We further requested that the Court hold a conference in order to discuss procedures and scheduling for the resolution of the foregoing issue.

By Order dated April 17, 2014 (Dkt. No. 960), the Court instructed that "[a]ny application to th[e] Court for the release of funds should include notice to the Judgment Creditors and include copies of relevant documents and contemporaneous correspondence." The Court's Order further instructed that, "[a]fter receipt of such documents, the Court will set a date for a conference."

Hon. Robert P. Patterson
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Although it does not appear to have been filed on the Court's public docket, we are in receipt of a letter application to the Court from [REDACTED]'s counsel, dated April 17, 2014, which seeks the release of the funds at issue. Counsel for [REDACTED] advises us that, absent a request by the Court, [REDACTED] does not intend to further supplement such application in advance of the conference contemplated by the Court's Order of April 17. The Judgment Creditors intend to submit papers in opposition to [REDACTED]'s application, upon further instruction from the Court.

Accordingly, the Judgment Creditors respectfully request that the Court schedule a conference to discuss procedures and the scheduling of more formal submissions by the parties, as contemplated by the Court's Order of April 17.

Respectfully submitted,

/s/ Curtis C. Mechling

Curtis C. Mechling

cc: All counsel of record (by ECF with redactions)
Counsel for [REDACTED] and Citibank, N.A. (by electronic mail)

*Application granted
The fee judgment credit to
be paid to submit
for the Court's consideration
a schedule of more
formal submissions
by the parties, by
May 7, 2014.
So ordered
J. P. Patterson
5/1/14*

*See attached typewritten
Memo Endorsement*

Case: Levin v. Bank of New York, et al.
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MEMO ENDORSEMENT S READ:

Application granted.

The Judgment Creditors are ordered to submit for the Court's consideration a schedule of more formal submissions by the parties by May 7, 2014.

So Ordered.

Robert P. Patterson, Jr., U.S.D.J., 5/1/14